

CERTIFIED MAIL RETURN RECEIPT #: 7002 0510 0004 5174 1674

OCTOBER 12, 2005

CASE #: 1:01 CV 541

TRACKING #: BFH10122005

ORIGINAL ORDER FILED 10-03-05

CLERK'S OFFICE OF THE  
DISTRICT COURT OF THE UNITED STATES  
C/O: THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
COLUMBUS, OHIO 43215

05 OCT 17 PM 2:00

MAILED  
JAN 2 2006  
CLERK

I accept For Value and Return For Value your Original Documents,  
Filed on October 03, 2005, and received on October 05, 2005, (Original  
Copy Annexed).

Please give me an accounting (copy) of The Bonds in this case, that is  
the Bid Bond, The Payment Bond and Performance Bond, also known as  
Miller Bond, #: 272, 273 and 274, so I can Settle and Close this Account  
Without Controversy.

Sincerely,

*Buford Franklin Houck* S.P.C. Intervener  
Buford Franklin Houck, S.P.C.  
and Intervener  
1739 Kevin Street  
Ironton, Ohio 45638

STATE OF OHIO }

}

}ss:

COUNTY OF LAWRENCE }

I, Angela R. Summers, a Notary Public for said County and State, do hereby certify that Buford Franklin Houck, personally appeared before me and signed the foregoing. Witness my hand and seal this 12<sup>th</sup> day of October, 2005.

Angela R. Summers  
Notary Public

8-15-10  
My Commission Expires

**CERTIFICATE OF SERVICE**

On 10-12-05, I Buford Franklin Houck, S.P.C.

Intervener, included my letter dated October 12, 2005, and attachments identified as:

Original Order Filed On October 3, 2005 and Received On October 5, 2005.

by mailing them by Certified Mail #: 7002 0510 0004 5174 1674,  
Return Receipt Requested.

Buford Franklin Houck, S.P.C. Intervener  
Buford Franklin Houck, S.P.C. Intervener

Seal

Angela R. Summers  
Notary Public

8-15-10  
My Commission Expires

## Other Orders/Judgments

1:01-cv-00541-MHW-TSB USA v. Houck, et al

U.S. District Court

Southern District of Ohio

### Notice of Electronic Filing

The following transaction was received from ba, entered on 10/3/2005 at 5:34 PM EDT and filed on 10/3/2005

**Case Name:** USA v. Houck, et al

**Case Number:** 1:01-cv-541

**Filer:**

**Document Number:** 78

#### Docket Text:

ORDER ADOPTING REPORT AND RECOMMENDATIONS AND CLOSURE BY [70] Motion for Summary Judgment filed by USA and [70] Motion for Summary Judgment filed by Buford F Houck; Doc. 70 is denied and Doc. 71 is granted. Plaintiff is permitted to foreclose the federal tax liens on the Kevin Street Property; the property will be sold and the proceeds applied to Defendant Houck's tax liability. Signed by Judge Michael H. Watson on 10/3/2005. (ba, 10/3/2005)

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

#### Electronic document Stamp:

[STAMP dcecfStamp\_ID=1040326259 [Date=10/3/2005] [FileNumber=767152-0]  
[8d8f4ac85d618f0c567824c49c391cbc1740ee5b22f59abf7f171698a53dcbc63aba  
21ae0de2a3b36adb6b565b3efb832489f60ec229757523a2476716634969]]

#### 1:01-cv-541 Notice will be electronically mailed to:

Alejandro L Bertoldo alejandro.l.bertoldo@usdoj.gov, northern.taxcivil@usdoj.gov

Lara E Ewens lara.ewens@usdoj.gov

Jan Martin Holtzman jan.holtzman@usdoj.gov,  
karen.kruetzkamp@usdoj.gov; maryjo.massie@usdoj.gov; civ.ecfohscin@usdoj.gov

#### 1:01-cv-541 Notice will be delivered by other means to:

Ben Houck Estates  
1739 Kevin Street  
Ironton, OH 45638

William L Comer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

United States of America,

Plaintiff(s),

v.

Case No. 1:01cv541

(Judge Michael H. Watson)

Buford F. Houck, et al.,

Defendant(s).

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed September 14, 2005 (Doc. 76).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(B), including notice that the parties were to waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Plaintiff filed Objections to the R&R which were non-responsive. (Doc. 77)<sup>1</sup>

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Defendant Buford F. Houck's Motion for Partial Summary

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<sup>1</sup>Plaintiff has filed a notarized statement that "This Matter Has Been Settled and Closed Without Controversy." Attached to the statement is the copy of the R&R, a "Registered Bill of Exchange" and Notice addressed to the Secretary of the Department of the Treasury and a Notice to the IRS.

Judgment (Doc. 70<sup>2</sup>) is denied; Plaintiff's Motion for Summary Judgment (Doc. 78) is granted entitling Plaintiff to foreclose the federal tax liens on the Kevin Street Property; Buford F. Houck is deemed the true owner of the Kevin Street Property; the property will be sold and the proceeds from the sale will be applied to Mr. Houck's tax liability.

bec

October 3, 2005

ACCEPTED FOR VALUE, RETURNED BY  
 VALUE FOR SETTLEMENT AND CLOSURE BY  
 WAY OF THE EXEMPTION AS CONSIDERATION  
 AS GOOD AS AVAL X 10/18/05  
 DATE OCT 10 2005  
 EMPLOYER ID# 28826728

*Michael H. Watson*  
 Michael H. Watson  
 United States District Judge

<sup>2</sup>The Court notes that Defendant Houck's Motion for Partial Summary Judgment (Doc. 70) is not a Motion, but was inadvertently docketed as such due to the reference to a Motion for Partial Summary Judgment on the face of the document. Upon further review, the Court notes that this reference is referring to this Court's Order Adopting the Magistrate's R&R and granting Plaintiff's Motion for Partial Summary Judgment, a copy of which is attached to the document. Even if the Court were to somehow construe Document 70 as a Motion by Defendant, this Motion hereby is DENIED for the reasons stated by the Magistrate.